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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,552	03/23/2001	Mark S. Igra	41017.P003	6531

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EXAMINER

HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/816,552

Applicant(s)

IGRA, MARK S.

Examiner

Doug Hutton

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 29 July 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


Doug Hutton
Examiner
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Continuation of 11. does NOT place the application in condition for allowance because:

Claim 1 recites a "master specification specifying a common style, a common navigation arrangement, and common content placement for each resultant web page to be generated" (see Lines 2-4). This limitation reads on any prior art spreadsheet, template and/or control that specifies the spatial layouts, style attributes and navigation controls for any web page that is to be generated using the spreadsheet, template and/or control.

Claim 1 also recites a "first subordinate content specification specifying first content of a first resultant web page, referencing the master specification for style, navigation and content placement" (see Lines 5-7). This limitation reads on any content object that includes the content for the resulting web page and references the spreadsheet, template and/or control.

Similarly, Claim 1 recites a "second subordinate content specification specifying second content of a second resultant web page, referencing the master specification for style, navigation and content placement" (see Lines 8-10). This limitation reads on any content object that includes the content for the resulting web page and references the spreadsheet, template and/or control.

Finally, Claim 1 recites "generating said first and second resultant web pages with said first and second contents being placed and styled in accordance with said common content placement and said common style specified by said master specification, and said first and second resultant web pages having said common navigation arrangement specified by said master specification" (see Lines 11-15). This limitation reads on the previously mentioned prior art spreadsheets, templates and/or controls that are used to generate multiple web pages.

Thus, the scope of Claim 1 is very broad and reads on Ferrel, as explained in the Office Action dated 2 May 2005.

Applicant argues that Ferrel fails to disclose a "master specification" specifying "common content placement for each resultant web page" because Ferrel does not teach the method of common content placement among pages. See Applicant's Response -- Page 17, second paragraph through Page 18, first partial paragraph.

The examiner disagrees.

It appears that Applicant is arguing that Ferrel does not produce multiple web pages using the "master specification." The "master specification" in Ferrel comprises the templates, controls and style sheets disclosed in Figures 8, 9 and 14 and discussed in the text of Column 18, Line 63 through Column 20, Line 62. Ferrel does produce multiple web pages of the online newspaper using the "master specification" of the publishing system, as clearly indicated in the cited figures and text. Also, whenever the story objects are modified ("defining a second subordinate content specification"), the publishing system produces another variation of the online newspaper ("generating . . . second resultant web page") using the same "master specification." For example, the front page of the online newspaper may include breaking news stories that are updated on an hourly basis.

Thus, Ferrel discloses a "master specification" specifying "common content placement."

Applicant argues that Ferrel requires the size of each control to be separately selected and edited by the designer, whereas the present invention requires no modifications to the web page specifications when the common area changes in size and/or shape. See Applicant's Response -- Page 17, fourth paragraph through Page 18, first partial paragraph.

The examiner disagrees.

Claim 1 recites nothing regarding "modifications" to the web page specifications. That is, Claim 1 does not recite that "no modifications to the specification are necessary when the common area changes in size and/or shape." Thus, Ferrel need not disclose this subject matter, because it is not recited in Claim 1.

Applicant argues that Ferrel teaches away from one common source for style elements, with each object having its own style specifications because each display or content object must be linked to a control that may have variable formatting elements. See Applicant's Response -- Page 18, second full paragraph.

The examiner disagrees.

The "one common source" for style elements in Ferrel is the collection of templates, controls and style sheets that are used to display the online newspaper. That is, the "master specification" disclosed in Ferrel comprises the templates, controls and style sheets that are used to display the online newspaper.

Thus, Ferrel discloses a "common source" for style elements.

Continuation of 13. Other:

Applicant argues that the Specification does provide proper antecedent basis for a "third control section" (Claim 26, Line 8) and "third content section" (Claim 26, Line 10) in that the Specification mentions that "each subordinate web page specifications 204/206 includes at least <head> section 222/232 and <body> section 224/234" (see Specification -- Page 8, Lines 8-9). Applicant argues further that three exemplary control sections may include content placement, style and navigation, as stated on Page 8, Lines 9-12 of the Specification.

The examiner disagrees.

The examiner agrees that the Specification states that each "subordinate web page specification" includes "at least <head> section 222/232 and <body> section 224/234." However, this portion of the Specification mentions nothing about a "third control section" or a "third content section." Simply stating that the "subordinate web page specifications" include "at least" a "<head>" section and a "<body>" section does not provide proper antecedent basis for the "third control section" (Claim 26, Line 8) and the "third content section" (Claim 26, Line 10).

Accordingly, the objection to the Specification is maintained.

In light of Applicant's amendments to Claims 9 and 10, the objections to those claims are withdrawn.